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October 21, 2015

VIA ECF

Hon. Lorna G. Schofield
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Kriss et al. v. Bayrock Group, LLC, et al., Index No. 13 Civ. 3905 (LGS) (FM)

Dear Judge Schofield:

We along with Beys Liston Mobargha & Berland LLP represent Defendant Felix Sater in the above-captioned litigation. We submit this letter in response to Plaintiffs' letter, dated October 16, 2015 (ECF No. 131), requesting that the Court strike Defendant's Motion to Vacate Plaintiffs' Notices of Voluntary Dismissal and Dismiss the Case With Prejudice (ECF No. 129, the "Motion"). Plaintiffs' counsel erroneously claims that he was not properly served and that Defendant's filing violated the Court's Individual Rules of Practice (the "Court's Rules").

First, the Motion was properly served via ECF. It is Plaintiffs' counsel, Bradley Simon, who has violated the Court's Rules by not filing a Notice of Appearance in this case and failing to properly register with ECF. Rule I(C)(1) of the Court's Rules states that "[a]ll attorneys representing parties before Judge Schofield are required to register promptly as filing users on ECF." Mr. Simon continues to file papers on ECF on behalf of Plaintiffs in violation of the Court's Rules. Nevertheless, counsel of record for Plaintiffs, who were never relieved by the Court (and who represent plaintiff Jody Kriss in a related State Court action), were notified of the Motion via ECF, as Mr. Simon would have been had he not failed to file an Appearance and register on ECF.

cc: All parties listed on ECF;
Bradley D. Simon (bradsimon@simonlawyers.com).